

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

IN RE: AUTOMOTIVE PARTS
ANTITRUST LITIGATION

No. 12-md-02311
Hon. Sean F. Cox

IN RE : WIRE HARNESS	CASE NO. 2:12-CV-00103
IN RE : INSTRUMENT PANEL CLUSTERS	CASE NO. 2:12-CV-00203
IN RE : FUEL SENDERS	CASE NO. 2:12-CV-00303
IN RE : HEATER CONTROL PANELS	CASE NO. 2:12-CV-00403
IN RE : BEARINGS	CASE NO. 2:12-CV-00503
IN RE : OCCUPANT SAFETY SYSTEMS	CASE NO. 2:12-CV-00603
IN RE : ALTERNATORS	CASE NO. 2:13-CV-00703
IN RE : ANTI-VIBRATIONAL RUBBER PARTS	CASE NO. 2:13-CV-00803
IN RE : WINDSHIELD WIPERS	CASE NO. 2:13-CV-00903
IN RE : RADIATORS	CASE NO. 2:13-CV-01003
IN RE : STARTERS	CASE NO. 2:13-CV-01103
IN RE : AUTOMOTIVE LAMPS	CASE NO. 2:13-CV-01203
IN RE : SWITCHES	CASE NO. 2:13-CV-01303
IN RE : IGNITION COILS	CASE NO. 2:13-CV-01403
IN RE : MOTOR GENERATOR	CASE NO. 2:13-CV-01503
IN RE : STEERING ANGLE SENSORS	CASE NO. 2:13-CV-01603
IN RE : HID BALLASTS	CASE NO. 2:13-CV-01703
IN RE : INVERTERS	CASE NO. 2:13-CV-01803
IN RE : ELECTRONIC POWERED STEERING ASSEMBLIES	CASE NO. 2:13-CV-01903
IN RE : AIR FLOW METERS	CASE NO. 2:13-CV-02003
IN RE : FAN MOTORS	CASE NO. 2:13-CV-02103
IN RE : FUEL INJECTION SYSTEMS	CASE NO. 2:13-CV-02203
IN RE : POWER WINDOW MOTORS	CASE NO. 2:13-CV-02303
IN RE : AUTOMATIC TRANSMISSION FLUID WARMERS	CASE NO. 2:13-CV-02403

IN RE : VALVE TIMING CONTROL DEVICES	CASE NO. 2:13-CV-02503
IN RE : ELECTRONIC THROTTLE BODIES	CASE NO. 2:13-CV-02603
IN RE : AIR CONDITIONING SYSTEM	CASE NO. 2:13-CV-02703
IN RE : WINDSHIELD WASHER	CASE NO. 2:13-CV-02803
IN RE : AUTOMOTIVE CONSTANT VELOCITY JOINT BOOT PRODUCTS	CASE NO. 2:14-CV-02903
IN RE : SPARK PLUGS	CASE NO. 2:15-CV-03003
IN RE : AUTOMOTIVE HOSES	CASE NO. 2:15-CV-03203
IN RE : SHOCK ABSORBERS	CASE NO. 2:15-CV-03303
IN RE : BODY SEALING PRODUCTS	CASE NO. 2:16-CV-03403
IN RE : INTERIOR TRIM PRODUCTS	CASE NO. 2:16-CV-03503
IN RE : BRAKE HOSES	CASE NO. 2:16-CV-03603
IN RE : EXHAUST SYSTEMS	CASE NO. 2:16-CV-03703
IN RE : CERAMIC SUBSTRATES	CASE NO. 2:16-CV-03803
IN RE : POWER WINDOW SWITCHES	CASE NO. 2:16-CV-03903
IN RE : AUTOMOTIVE STEEL TUBE	CASE NO. 2:16-CV-04003
IN RE : ACCESS MECHANISMS ACTIONS	CASE NO. 2:16-CV-04103
IN RE : DOOR LATCHES	CASE NO. 2:17-CV-04303

THIS DOCUMENT RELATES TO:
End-Payor Actions

**SUR-REPLY MEMORANDUM IN SUPPORT OF MOTION TO
ENFORCE END-PAYOR SETTLEMENTS AND STRIKE
CONTRADICTORY AND IMPROPER STIPULATION**

As articulated in its Motion to Enforce End-Payor Settlements, ECF No. 2192, Enterprise Fleet Management (“EFM”) remains steadfast in its position that it is entitled to full payment on its valid, timely claims to the end-payor settlements. Nevertheless, and particularly following discussions at the September 15, 2022, hearing regarding paths forward, EFM respectfully proposes that the Court, pursuant to its discretion under Fed. R. Civ. P 53(a)(1)(C), appoint and refer the parties’ dispute to a Special Master. EFM believes that such a referral would aid in the resolution of the current dispute between the parties and would agree to be responsible equally for any associated costs.

Should the Court agree to appoint a Special Master, EFM would be willing to prepare a proposed referral order at the Court’s request, provide a list of potential independent Special Master candidates, and otherwise work in good faith with End Payor Plaintiffs to facilitate the appointment process.¹

In the alternative of appointment and referral to a Special Master, EFM respectfully proposes an in-chambers call to discuss appropriate ADR options, particularly given that the parties have heretofore not undertaken any formal ADR efforts.

EFM remains committed to resolving this dispute expediently to allow the processing of settlement claims to move forward.

¹ Prior to filing this Sur-Reply, EFM contacted EPPs to register its intent to propose referral of the parties’ dispute to a Special Master; EPPs declined to join the request.

September 16, 2022

Respectfully submitted,

By: /s/ Lawrence J. Lines III

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CERTIFICATE OF SERVICE

I hereby certify that on September 16, 2022, a copy of the foregoing was filed electronically using the Court's ECF system, which will send notification to each attorney of record by electronic means. Parties may access this filing through the Court's system.

Dated: September 16, 2022

By: /s/ *Lawrence J. Lines III*

Lawrence J. Lines III